

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SABBY VOLATILITY WARRANT MASTER FUND :
LTD. et al., :
Plaintiffs, : 22-CV-1927 (JMF)
: ORDER
-v- :
KIROMIC BIOPHARMA, INC. et al., :
Defendants. :
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JESSE M. FURMAN, United States District Judge:

On June 30, 2022, Defendants filed motions to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiffs shall file any amended complaint by **July 22, 2022**. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that they rely on the previously filed motion to dismiss. If Defendants file an answer or new motions to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file new motions to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiffs shall file any opposition to the motions to dismiss by **July 22, 2022**. To be clear, Plaintiffs should file one opposition addressing all three motions. Plaintiffs' consolidated memorandum of law shall not exceed 40 pages. Defendants' replies (each of which may not exceed 10 pages), if any, shall be filed by **July 29, 2022**.

Finally, it is further ORDERED that the initial pretrial conference previously scheduled for July 14, 2022, is adjourned *sine die*.

SO ORDERED.

Dated: July 1, 2022
New York, New York


JESSE M. FURMAN
United States District Judge